

Serial No. 10/677,740
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REMARKS

Applicant's attorney wishes to express his appreciation for the courtesy of an interview conducted with Examiners Castellano and Grosso on October 19, 2005.

Applicant has canceled claim 7. Applicant has amended claims 1, 14, 19 and 20 to distinguish the invention over the cited references. Further, claims 9 and 12 have been amended to change their dependencies.

Claims 6, 13 and 15 have been amended for minor informalities. Claim 8 has been amended to delete "tubular" and thus broaden the claim.

The Examiner has rejected claims 1, 14 and 19 as being anticipated by Shaw, claim 14 as being obvious over Shaw in view of Gracie and Kuo, and claim 20 as being obvious over Shaw in view of Hoffman. Applicant has amended these claims. As discussed during the interview, these claims now define over the prior art.

As to claim 1, the structure of claim 7 and part of claim 8 have added to make the first member vertically and rigidly secured when deployed. As to claims 14, 19 and 20, the support structures have been recited to be rigid and non-rotatable. Shaw does not disclose the support structures as now claimed. Shaw discloses walls supported by vertically oriented upper members supported by resistance-type hinges joined to base members to allow the walls to

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collapse as a vehicle drives into or out of the containment apparatus.

As to claim 14 as being unpatentable over Shaw in view of Gracie and Kuo, applicant believes that there is no teaching or suggestion for the combination. Shaw uses hingeable vertical support for its vertical walls to make them automatically collapsible such that they can collapse to allow a vehicle to drive in or out of the containment apparatus and to rebound to the upright position the vehicle has passed. Replacing the hingeable vertical supports of Shaw with the rigid supports of Gracie and Kuo would destroy the collapsible and rebounding feature of the walls of Shaw, thus teaching away from the combination.

Similarly for claim 20, the combination of Shaw and Hoffman cannot be made since the combination would destroy the purpose intended by the apparatus of Shaw, as discussed above in connection with claim 14.

In view of the above, it is asserted that claims 1-2, 4-6, 8-17 and 19-20 are patentable over the cited references and are asserted to be in condition for allowance. Reconsideration of rejection is respectfully requested and an early and favorable action is earnestly solicited.

Upon the allowance of generic claims 1 and 14, it is respectfully requested that the restriction requirement as to the

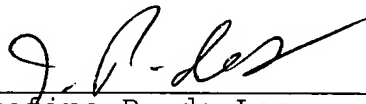
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non-elected species of claims 3 and 18 be withdrawn pursuant to MPEP 809.02(c), and to allow these claims to be reinstated by canceling their "withdrawn" status by an Examiner's amendment.

It is believed that no fee is due; however, should that be incorrect, please charge Deposit Account No. 19-2105 and inform the undersigned.

Respectfully submitted,



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